

## R E M A R K S

Applicant respectfully requests further examination and reconsideration in view of the amendments above and the arguments set forth fully below. Claims 1-36 were previously pending in this application. Within the previous Office Action, claims 1-17 and 29-36 are rejected. Claims 18-28 are allowed. By the above amendments, claims 1, 7, 15, 17, 29 and 34 are amended. Accordingly, claims 1-36 are now pending in this application.

### **Rejections Under 35 U.S.C. § 103**

Within the Office Action, Claims 1-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,715,372 issued to Meyers et al. (hereinafter “Meyers”) in view of U.S. Patent No. 6,578,007 issued to Howes et al. (hereinafter “Howes”) and further in view of U.S. Patent No. 5,883,986 issued to Kopec et al. (hereinafter “Kopec”). The Applicant respectfully traverses this rejection.

Within the Office Action, the independent claim 18 is allowed. The independent claim 1 is amended to include limitations similar to those for allowable claim 18. As such, the amended independent claims 7 and 29 are now in a condition for allowance.

In particular, claim 1 is amended to include the limitations “means for analyzing the output to associate portions of the output with a plurality of confidence levels of transcription accuracy” and “means for marking each portion of the output according to a corresponding one of the plurality of confidence levels.” Neither Meyers, Howes, nor Kopec teaches these limitations. For at least these reasons, the amended independent claim 1 is allowable over the combination of Meyers, Howes, and Kopec. Claims 2-6 are each dependent upon the independent claim 1. Accordingly, claims 2-6 are each also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 6-17 and 29-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,122,614 issued to Kahn et al. (hereinafter “Kahn”) in view of U.S. Patent No. 5,883,986 issued to Kopec et al. (hereinafter “Kopec”) in view of U.S. Patent No. 5,991,595 issued to Romano et al. (hereinafter “Romano”). The Applicant respectfully traverses this rejection.

Within the Office Action, the independent claim 18 is allowed. Each of the independent claims 7 and 29 are amended to include limitations similar to those for allowable claim 18. As such, the amended independent claims 7 and 29 are now in a condition for allowance.

Additionally, The Applicant contends that the present claims are distinguished over the cited combination of Kahn, Kopec, and Romano for at least two additional reasons. First, the combination of Kahn, Kopec, and Romano does not teach that each portion of the document is marked according to a confidence level. Second, the combination of Kahn, Kopec, and Romano does not teach selecting a specific one reviewer from among a plurality of reviewers.

In regard to the first difference, the independent claims 7 and 29 are amended to include the limitation “marking each portion of the document according to a corresponding one of the plurality of confidence levels,” which was originally included in the dependent claim 15. Within the Office Action, in regard to the subject matter of claim 15, it is stated that Kahn “teaches showing the potential matches of the unmatched word, in addition to providing more possible matches to the unmatched word (showing different degrees of possibilities, or confidence), using audible clues from the program, including repeating the output (Kahn et al (6122614), col. 9 lines 35-40, col. 9 lines 55-64).” However, there is no such teaching within Kahn. Kahn teaches showing one potential match of the unmatched word, for example the word “cash” as shown in Figure 5 of Kahn. No alternatives to the word “cash” are provided. As such, Kahn does not teach “providing more possible matches to the unmatched word” as stated by the Examiner. Since Kahn only teaches a single possibility for the unmatched word, there are no “different degrees of possibilities, or confidence” as stated by the Examiner. Therefore, Kahn does not teach the use of a plurality of confidence levels, and as such, also does not teach marking each portion of the document according to one of the plurality of confidence levels. Neither Kopec nor Romano are cited as teaching this limitation.

In regard to the second difference, each of the independent claims 7 and 29 include the limitation “selecting a specific one reviewer from among a plurality of reviewers.” Within the

Office Action, Romano is cited as teaching this limitation. The Applicant contends that Romano teaches a selection process different than the claimed selection process. In particular, Romano teaches that a specific rater selects a category (Romano, col. 4, lines 44-47). For that selected category, the system selects all constructed responses that match the specific rater's qualification status (Romano; col. 4, lines 45-52). At no point does the system of Romano select the specific rater; instead, the system of Romano selects a list of constructed responses that match a specific rater. As such, the selection process of Romano is opposite that of the claimed limitations. Romano teaches selecting specific constructed responses from a plurality of constructed responses in response to a specific rater. The selection process of the present claims is directed to selecting a specific reviewer from a plurality of reviewers in response to a specific keyword.

Within the Office Action mailed on November 17, 2005, in the Response to Arguments section, the Examiner states that "the system (of Romano) is selecting a rater based on a match, i.e. the system does perform a criteria judgement of the rater." The Applicant contends that the Examiner has misapplied the teachings of Romano. To support the above assertion, the Examiner cites column 4, lines 47-50 of Romano, which states:

"Once the rater selects the type of workfolder, the system may check their qualification status and then list the testing program and test section for which the rater is qualified to score."

Romano does teach that the system performs a criteria judgement of the rater, as stated by the Examiner. However, this criteria judgement is clearly directed to verifying the credentials of the specific one rater. Romano does not teach that the criteria judgement is used to select one rater from a plurality of raters. In marked contrast, the claim language specifically states "selecting a specific one reviewer from among a plurality of reviewers."

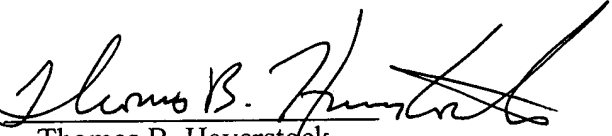
For at least the three reasons cited above, the amended independent claims 7 and 29 are allowable. As claims 8-17 and claims 30-36 are each dependent on the independent claims 7 and 29, respectively, these dependent claims are also allowable.

Within the Office Action, Claims 18-28 are allowed.

For at least the reasons given above, Applicant respectfully submit that all of the claims are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: 8-15-06

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**CERTIFICATE OF MAILING (37 CFR § 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

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